IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

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WRIT PETITION No. 9097 of 1998

Between:

1 S.Prasad, S/o. Prakash Rao,
Gandlinagal, Burripalem Road,
Tenali, Guntur District.
2 Beemireddy Nagabhushana Reddy, S/o. Kotireddy,
Valiveru Post, Chunduru Mandal, Guntur District.
3 Kikkuri Chinna Krishna Reddy, S/o. K.Mastan Reddy,
Morrispet, Tenali, Guntur District.
4 U.Choudary, S/o. Veeraraghavaiah,
Govada, Amruja Lur, Guntur District.
5 Velagapadu Gopala Rao, S/o. Late Bullaiah,
Sri Lakshmi Durga Apartments., Near RTC., Bus Stand,
Tenali, Guntur District.
6 K.Venkata Reddy, S/o. Sita Rami Reddy,
Munnangivaripalem, Tsunderu Post & Mandal,
Guntur District.
7 Edara Venkata Purna Chand, S/o. Rama Rao.
D.No. 4-54-37, Ithanagar, Tenali, Guntur District.
8 Vallabhaneni Sree Ramaiah, S/o. Gopaldas,
Bunthumalli post, Vemuru (M), Guntur District.
9 Tummala Venkateswara Rao, S/o. Rama Rao,
H.No. 12-14-3, Pandurangapet,
Tenali, Guntur District.
10 Tummal Jogaoeesh, S/o. Yugandhara Rao,
H.No. 11-3-51, Kailash Bhavan, Checnupet,
Tenali, Guntur District.
11 Somavarapu Subba Rao, S/o. Venkateswara Rao,
D.No.2-12-3, Venayaka Street,
Nadillepet, Tenali, Guntur District. ..... PETITIONERS

AND

1 The Secretary to Govt. of A.P.,
Transport Roads & Buildings Department,
Secretariat, Hyderabad.
2 The Engineer- in- Chief Roads and Buildings Department,
Earramanzil, Hyderabad.
3 The Chief Engineer (Buildings) Roads and Buildings Department,
Earramanzil, Hyderabad.
4 The Superintending Engineer, Roads and Buildings, Guntur District.
5 The Executive Engineer, Roads & Buildings, Guntur District.
6 The Executive Engineer, Roads & Buildings, Tenali, Guntur District.
7 The Executive Engineer, Roads & Buildings,
Narsaraopet, Guntur District.
8 The Executive Engineer, Panchayat Raj Department,
Tenali, Guntur District. .
9 The Superintending Engineer, Public Health, Guntur, Guntur District.
10 The Executive Engineer, Public Department, Guntur, Guntur District.
11 The Municipal Engineer, Tenali Municipality, Tenali, Guntur District.
12 The Executive Engineer, Agricultural Marketing, Guntur,
Guntur District.
13 The Superintending Engineer, Social Welfare Department,
Guntur, Guntur District.
14 The Executive Engineer, D.S.C.S.C.S.Ltd., Guntur, Guntur District.
15 The Superintending Engineer, Panchayat Raj, Guntur,
Guntur District.
16 The Superintending Engineer, R.W.S.(P.R.), Guntur, Guntur District.
17 The Executive Engineer, R.W.S.(P.R.),Guntur, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ more particularly one in the nature of Writ of Mandamus: i) declaring the action of the respondents in insisting on submission of a seigniorage fee clearance certificate as a condition precedent for release of the amounts due to the petitioners as arbitrary, illegal and violative of Articles 14 of the Constitution of India, ii) further declare the action of the respondents proposing the deduction of 5 times the seigniorage fee liable to be charged for the purpose from the bills of the petitioners as arbitrary, illegal unjust and unsustainable, iii) consequently direct the respondents to clear the bills for the amounts due to them without insisting on furnishing the seigniorage fee clearance certificate.

Counsel for the Petitioner: Mr.NUTY RAM MOHAN RAO

Counsel for Respondents : G.P. FOR ROADS & BUILDINGS

The Court made the following

ORDER:

This writ petition is filed declaring the action of the respondents in insisting on submission of a seigniorage fee clearance certificate as a condition precedent for release of the amounts due to the petitioners as arbitrary, illegal and violative of Articles 14 of the Constitution of India and further to declare the action of the respondents proposing the deduction of 5 times the seigniorage fee liable to be charged for the purpose from the bills of the petitioners as arbitrary, illegal unjust and unsustainable and consequently direct the respondents to clear the bills for the amounts due to them without insisting on furnishing the seigniorage fee clearance certificate.

It is submitted by the learned Special Government Pleader for Taxes and admitted to by the learned counsel for the petitioners that the subject matter of this writ petition is squarely covered by the common order passed by this Court in W.P.No. 7456 of 1998 and batch, dated 7.10.1998.

In the circumstances, following the common order of this Court in W.P.No. 7456 of 1998 and batch, dated 7.10.1998, this writ petition is dismissed for the same and similar reasons. No costs.

However, it is made clear that the conditions stipulated in G.O.Ms.No.6 dated 12.1.1996 are applicable only in respect of the contracts for which the agreements are executed on or after 12.1.1996, and the works covered prior to that date shall be processed under G.O.Ms.No.205 dated 8.10.1993. If the petitioners had already drawn their bills pending payment of seigniorage fee, they shall now pay the same within a period of eight weeks from today, if not already paid. If the petitioners failed to comply with the condition, they shall also pay the penalty of five times, if the agreements are concluded and civil works carried out beyond 12.1.1996, within a period of six weeks from today.

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N.V.RAMANA, J

Date: 28.4.2005

DA/SVV

To

1 The Secretary to Govt. of A.P., Along with
Transport Roads & Buildings Department, copy of order
Secretariat, Hyderabad. dt. 7.10.98
2 The Engineer- in- Chief Roads and Buildings Dept., made in
Earramanzil, Hyderabad. W.P.No.
3 The Chief Engineer (Buildings) Roads and Buildings 7456/98

Department, Earramanzil, Hyderabad.
4 The Superintending Engineer, Roads and Buildings, Guntur, Guntur District.
5 The Executive Engineer, Roads & Buildings, Guntur District.
6 The Executive Engineer, Roads & Buildings, Tenali, Guntur District.
7 The Executive Engineer, Roads & Buildings, Narsaraopet, Guntur District.
8 The Executive Engineer, Panchayat Raj Department, Tenali, Guntur District. .
9 The Superintending Engineer, Public Health, Guntur District.
10 The Executive Engineer, Public Department, Guntur, Guntur District.
11 The Municipal Engineer, Tenali Municipality, Tenali, Guntur District.
12 The Executive Engineer, Agricultural Marketing, Guntur, Guntur District.
13 The Superintending Engineer, Social Welfare Dept., Guntur, Guntur District.
14 The Executive Engineer, D.S.C.S.C.S.Ltd., Guntur, Guntur District.
15 The Superintending Engineer, Panchayat Raj, Guntur, Guntur District.
16 The Superintending Engineer, R.W.S.(P.R.), Guntur, Guntur District.
17 The Executive Engineer, R.W.S.(P.R.),Guntur, Guntur District..

18 Two CCs to G.P for Roads & Buildings, High Court of A.P., Buildings, Hyderabad (OUT)

19 Two CD copies